

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 10/679,416

REMARKS

Before entry of the present Amendment, claims 1-17 were all the claims pending in the application, and claims 1-6 and 12-16 were withdrawn from consideration. Also, claims 7-11 and 17 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,370,554 to Bohlen et al. (“Bohlen”).

As a preliminary matter, Applicants have incorporated the limitations of claim 10 into claim 7 and have canceled claim 10 without prejudice or disclaimer. Thus, the rejection of claim 10 is moot.

Also, Applicants submit that claim 7 is patentable over Bohlen. For example, claim 7 relates to a beam adjusting sample and a microstructure. The sample has adjacent and orthogonal edges, and the microstructure is attached on the surface of the beam adjusting sample. On the other hand, the cited reference does not disclose or teach the claimed features.

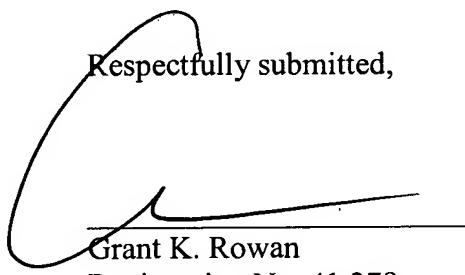
On page 3 of the Office Action, the Examiner seems to contend that the chip aperture grids 23 and 24 disclosed in Bohlen correspond to beam adjusting samples having adjacent and orthogonal edges. Furthermore, the Examiner contends that Fig. 10B discloses microstructures attached on the surface of the alleged beam adjusting samples 23 and 24. Fig. 10B discloses registration grids 22 and 25 and U-shaped arrangements of detectors 33-35 and 33'-35'. However, these items 22, 25, 33-35, and 33'-35' are not attached on a surface of the alleged beam adjusting samples 23 and 24. Furthermore, since Fig. 10B and the remaining portions of Bohlen do not suggest microstructures attached on the surface of the alleged samples 23 and 24, Applicants submit that claim 7 is patentable. Also, since claims 8, 9, 11, and 17 depend upon claim 7, Applicants submit that these claims are patentable at least by virtue of their dependency.

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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